

DIAA Board of Directors' Meeting Minutes
Thursday, January 16, 2014 – 1:00 p.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 1:00 p.m. by Terre Taylor.

B. Roll Call

The following DIAA Board members were present: Terre Taylor, Gerald Kobasa, Joe Thomson, Craig Eliassen, Catherine Marvel, Bradley Layfield, Susan Coffing, Artie Uhlich, Willie Savage, Leroy Mann, Nils Marcune, Curtis Bedford, Dr. Kevin Fitzgerald, Ron Eby, and Dr. Robert Walter. Kevin Charles, Executive Director, and Paula Fontello, Deputy Attorney General, were also in attendance. Dave Thomas, Laura Leone, Edna Cale, Dr. Mark Holodick, and Dr. Susan Haberstroh were unable to attend.

C. Approval of Agenda

Dr. Fitzgerald made a motion to approve the agenda with the addendum. The motion was seconded by Dr. Walter and carried unanimously.

D. Approval of Minutes of DIAA December 12, 2013 Board Meeting

Mr. Eby made a motion to approve the minutes of the December 12, 2013 Board meeting. The motion was seconded by Mr. Layfield and carried unanimously.

E. DIAA Financial Report

Mr. Charles provided updates on the reporting period of December 4, 2013 to January 8, 2014. Mr. Charles stated that the revenue to date was \$430,368.12 which was 54% of the projected revenue. Mr. Charles reported that income for the reporting period was \$62,500 which was primarily from fall tournaments. Mr. Charles explained that the expenditures to date are \$357,051 which was 45% of the projected expenditures. Mr. Charles reported that expenditures for this period were \$33,195. Mr. Charles reported that the expenditures were primarily from the fall tournament expense and salary and OEC's. Mr. Charles reported that DIAA is in the black at this time which is good for this time of year. Mr. Kobasa made a motion to accept the financial report. The motion was seconded by Mr. Bedford and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Charles reported that there are 19 events to be sanctioned which include 5 basketball, 6 indoor track, 5 wrestling, 3 outdoor track which all appear to be in compliance with DIAA and NFHS regulations. Mr. Eby made a motion to approve the sanction events. The motion was seconded by Mr. Bedford and carried unanimously.

B. Proposed Revisions to DIAA Regulations

Mr. Charles explained that the Board will consider proposed rules changes in draft form. If the draft is approved by the Board, Ms. Fontello will edit for final wording to be presented for final review and action at the February Board Meeting.

DIAA 1008.3.2 - Middle School Wrestling – Weight Classes and Length of Matches

Mr. Charles presented a summary of the changes to middle school weight classes and length of time of middle school matches. Mr. Charles reminded the Board they already approved these changes as a waiver earlier in the year and the changes have already been implemented. Mr. Charles stated the athletic directors supported these changes unanimously.

Mr. Kobasa made a motion to accept this proposal. The motion was seconded by Mr. Mann and carried unanimously.

DIAA 1009.2.7.3 - 8th Grade Participation at the High School Level

Mr. Charles presented the proposal to amend the 8th grade participation regulation as proposed by the Rules & Regulation Committee. He also presented three different counter proposals considered and discussed at the statewide meeting earlier that day. The Original proposal (which was to limit participation by 8th graders to sub varsity only) was presented to the member schools. When polled, the suggested change was not supported by the majority of the member school representatives with 20 in favor, 23 opposed, and 8 abstained. Mr. Charles explained that Mr. Holloway from Tower Hill offered an alternate proposal to keep the rule as it is but do not permit rising 8th graders who transferred into a school at the 8th grade level to be able to play up. Students that had attended the school as 7th graders were permitted to play up. When polled the majority of the membership representatives present supported this proposal with 29 in favor, 11 opposed, and 11 abstained.

Mr. Charles then explained that Bill Schultz offered a 3rd proposal that prohibits rising 8th graders who transferred into a school for the 8th grade year from playing up; but, 8th graders who previously attended the school as 7th graders could play up at the sub varsity level unless the school did not offer sub-varsity in that sport in which case the student could play at the varsity level in that sport only. When polled, the membership representatives supported that proposal with 22 in favor, 16 opposed, and 10 abstained.

Mr. Charles stated that the next alternative proposal considered for feedback was that all schools with 8th graders in their district may allow 8th graders to play up if the district chooses to do so. When polled on this proposal the majority of the membership representatives present did not support the proposal with 15 in favor, 31, opposed, and 8 abstained.

After considering the information presented and discussing the various proposals and alternatives, Mr. Eby made a motion to move forward that students who are in the same school the previous year are permitted to play up at the high school level including varsity but students who transfer in as an 8th grader are ineligible to play at any level in high school. The motion was seconded by Mr. Eliassen. During discussions, a board member expressed concern that eligible member schools could play 8th graders up at the varsity level; but member eligible schools that were not eligible to play 8th graders up were not permitted to do so. Dr. Walter proposed an amendment to Mr. Eby's proposal that 8th graders previously attending the school could play up at the varsity level only if the school did not offer a subvarsity level in that sport. The amendment was seconded by Mr. Layfield and carried by 8 yes and 7 no. After considerable discussion the motion made by Mr. Eby as amended by the second motion by Dr. Walter was brought to a vote and passed by a show of hands 9 yes and 6 no. Ms. Fontello noted that for the record that at the outset the regulation changes presented to the Board for consideration were being presented for consideration for drafting purposes with the Board having an opportunity to vote on the regulation changes after reviewing the final draft as presented at the February meeting. Ms. Fontello further clarified that when the Board is voting to move forward the final amendment for publication, in order for an amendment to the regulation to proceed, DIAA's enabling statute requires a majority of the Board members or 10 affirmative votes to pass any regulation amendment. Mr. Eby called for a roll call vote and the motion as amended passed 10 yes – 5 no, 0 abstentions.

DIAA Regulation 1008 & 1009.2.1 – Eligibility Age

Mr. Charles explained that this proposal was intended to give the Board the authority to waive the age rule on a case by case basis for students with a disability as defined by federal law. Mr. Charles shared that the discussion from the member schools meeting had to do with concerns on how broadly

this could be applied considering the wide variety of things considered to be disabilities under ADA. After some discussion, Mr. Marcune made a motion to pass the proposal with clarifications discussed for review as a final draft at the next meeting. The motion was seconded by Mr. Layfield and carried unanimously.

DIAA Regulation 1008 & 1009.5.1.4 - Transgender Rule

After discussion on the draft, Ms. Fontello noted that she was still in the process of reviewing this draft. Dr. Fitzgerald made a motion to table this proposal for further review by the attorney. The motion was seconded by Mr. Eliassen and carried unanimously.

DIAA Regulation 1008 & 1009.4.1 - Practice Sessions

Mr. Charles explained to the Board that there was nothing new in this proposal and member schools have already implemented this practice rule. He further explained that this proposal incorporates the waiver of the practice rule approved by the Board in 2011. Mr. Kobasa made a motion to approve this proposal. The motion was seconded by Mr. Layfield and carried unanimously.

DIAA Regulation 1009.7.5 - Coaching out of Season

Mr. Charles explained this proposal eliminates a prohibition against high school coaches coaching 8th grade students in their designated sport. The stricken clause was passed in 2011 and quickly found to be unenforceable. Mr. Eby made a motion to accept this proposal. The motion was seconded by Mr. Kobasa and carried unanimously.

DIAA Regulation 1009.2.4 - Transfer Rule

Mr. Charles explained that part one of this proposal eliminates all exceptions to the transfer rule when the transfer is caused by the student being dismissed from the sending school or the sending school refusing to allow the student to return. Mr. Kobasa made a motion to accept this proposal. The motion was seconded by Mr. Mann and carried unanimously.

Mr. Charles explained that part two of this proposal amends 1009.2.4.4.3.8 by defining the term “dropping their athletic program”. After considerable discussion the Board felt that dropping the entire athletic program was too restrictive. Mr. Eby made a motion to amend the proposal to change dropping the athletic program to dropping a single sport at the varsity level but the student must have previously participated in that sport. Dr. Walter seconded the motion and the motion carried unanimously.

DIAA Regulation 1009.2.8 - International Student

Mr. Charles explained that this proposal incorporated action already taken by the Board and establishes a protocol whereby schools with International Students attending on an F1 Visa are able to have their program approved by the executive director. Mr. Charles explained that an approved program requires students to sign an affidavit that they are not attending school for athletic reasons, have a current sports physical on file, and must have attended school for a minimum of two years to be eligible for varsity and state tournament competition. Mr. Kobasa made a motion to accept the proposal. The motion was seconded by Mr. Eby and carried unanimously.

DIAA Regulation 1007.1.2 - Code of Conduct

Mr. Charles explained to the Board that this proposal updates our current code of conduct by incorporating the National Federation of State High Schools code of conduct. Mr. Charles stated that the significant changes have to do with the use of social media by coaches and officials. Mr. Charles stated that the Delaware Interscholastic Officials Council supports the amendments. Mr. Kobasa made a motion to accept this amendment. The motion was seconded by Dr. Walter and carried unanimously.

C. Heath Chasanov as Chair, DIAA Sportsmanship Committee

Mr. Charles explained that the chair of the Sportsmanship Committee is currently vacant. The recommendation for the new chair is Heath Chasanov, Superintendent of the Woodbridge School District. Mr. Kobasa made a motion to accept the recommendation. The motion was seconded by Mr. Eliassen and carried unanimously.

D. Approval of Annual Report to General Assembly

Mr. Charles explained that the Delaware law requires that DIAA submit an annual report to the General Assembly and provided a draft copy of the 2013 report to all Board members for their review. Ms. Fontello suggested two changes to the report. Mr. Kobasa made a motion to approve the report to the General Assembly with the amendments. The motion was seconded by Mr. Layfield and carried unanimously.

E. Proposal to Co-Sponsor Coaches Training

Mr. Thomson explained that he was asking for help from DIAA to co-sponsor the second annual Delaware Coaches of Excellence Workshop that was being

held at Wilmington Christian School. Mr. Thomson explained that the event was held last year and was well received. Mr. Thomson reported that they have invited the same speaker, Rod Olson, back who will help train coaches in attendance. Mr. Thomson explained that the coaches and athletic directors are only charged \$20.00 which covers the speaker, a book, and lunch. Dr. Fitzgerald made a motion to approve a co-sponsorship at the highest level which is \$1,000.00. The motion was seconded by Mr. Kobasa and carried by a vote of 13 - yes (Uhlich, Kobasa, Fitzgerald, Eliassen, Marcune, Mann, Marvel, Eby, Coffing, Walter, Layfield, Bedford, and Taylor) and 1 – abstention (Thomson)

IV. Executive Director Report

A. Legal Report

Ms. Fontello reported on status of the Title IX complaint. Ms. Fontello also reported that there is an unofficial report of an appeal from a hearing at the December meeting. Ms. Fontello also reported that DIAA has been named in a lawsuit filed on behalf of an attendee at the 2011 football championship game held at Delaware State University.

B. Update on Board Appointments

Mr. Charles reported that he has been in contact with the Governor's office with regards to appointments and reappointments and have begun the process.

V. Other

VI. Public Comment

None.

VII. Adjournment

Dr. Fitzgerald made a motion to adjourn at 3:30 p.m. The motion was seconded by Mr. Layfield and carried unanimously.

Tina Hurley